

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
100 Civic Center Drive, Newport Beach
Corona del Mar Conference Room (Bay E-1st Floor)
Thursday, March 27, 2014
REGULAR HEARING
3:30 p.m.

A. CALL TO ORDER – The meeting was called to order at 3:30 p.m.

Staff Present: Brenda Wisneski, Zoning Administrator
Fern Nueno, Associate Planner
Benjamin M. Zdeba, Assistant Planner

B. MINUTES of March 13, 2014

Action: Approved

C. PUBLIC HEARING ITEMS

ITEM NO. 1 **Juliette Restaurant Expansion Minor Use Permit No. UP2013-029**
(PA2013-248)
1000 Bristol Street North, Suites 11 and 12 **CD 3**

Fern Nueno, Associate Planner, provided a brief project description stating that the application is a request to amend the existing use permit to allow an expansion of the existing restaurant, Juliette Kitchen and Bar. The restaurant and outdoor dining were previously approved for Suite 11. In 2013, a Staff Approval was approved to allow the restaurant to expand into Suite 12. The back half of the suite is used for office and storage area and the front portion is used for retail wine sales. This proposed amendment would expand the restaurant into Suite 12 and the retail wine sales use would remain as an accessory use to the restaurant. Ms. Nueno clarified that the plans show 12 seats, but the applicant intends to only have six seats with 180 square feet of net public area maximum.

Michael Cho, the applicant's representative, noted that the plans should reflect the proposed addition of six seats in the expansion area, as required by the property owner.

Ms. Nueno continued her presentation noting that the change of use from retail to restaurant in Suite 12 does not increase the parking requirement and the total parking required would be 35 parking spaces for the restaurant with the previously approved parking requirement of one space for every 40 square feet of net public area. The restaurant would not have late hours. The restaurant currently operates with varied hours with the longest day being Fridays from 11:00 a.m. to 10:30 p.m. The conditions of approval within the draft resolution include a restriction on the hours to between 8:00 a.m. and 11:00 p.m., daily.

Ms. Nueno concluded by stating that staff recommends approval of the project and believes the findings for approval of the Minor Use Permit can be made as demonstrated in the draft resolution.

Applicants John Hughes, business owner, and Michael Cho representing the business owner, introduced themselves and had no comments on the staff report or resolution and conditions of approval.

The Zoning Administrator asked staff to clarify that the restaurant operating conditions were recommended by the Police Department and Ms. Nueno affirmed.

The Zoning Administrator opened the public hearing.

One member of the public, Jim Mosher, spoke and stated that he had no objections to the project, but did have several comments and clarifications on the staff report, including: the UP1838 (Amended) and Police

Department comments were referenced in the report, but not included as an attachment; comments on the existing ABC licenses in the shopping center; confusion regarding the project plans; and questions about the parking requirements.

There were no other public comments, and the Zoning Administrator closed the public hearing.

Zoning Administrator Wisneski clarified that the relevant information is part of the project file and available for public view. Ms. Wisneski further stated that the parking requirement is based on net public area for the restaurant use versus gross floor area for the retail use, and that the parking requirement was properly analyzed by staff. With the clarification on the project plans, including the maximum of six seats shown, the Zoning Administrator approved Minor Use Permit No. UP2013-029.

Action: Approved

ITEM NO. 2 Club Detox Minor Use Permit No. UP2014-003 (PA2014-023)
1040 Bayside Drive

CD 5

Benjamin M. Zdeba, Assistant Planner, provided a brief description of the proposed business stating that it was considered as a Personal Services, Restricted Use in conjunction with a Take-Out Service, Limited Use. He indicated the proposal included sauna treatment rooms and a juice bar with seating for four patrons to consume juices within the establishment. He further detailed the parking requirement for the shopping center and confirmed no additional parking would be required as part of this project. It was noted that although the applicant proposed various operating hours throughout the week and seats for four patrons, staff recommended a condition of approval allowing a range of operating hours between 8:00 a.m. and 9:00 p.m., daily, as well as a condition of approval limiting the maximum number of seats to six, which is consistent with the number of seats allowed for Take-Out Services, Limited Use.

The applicant's representative, Paul Shaver of CAA Planning, stated that he had reviewed the draft resolution and the required conditions and expressed appreciation for the flexibility of hours and seating as recommended by staff.

The Zoning Administrator opened the public hearing.

One member of the public, Jim Mosher, presented a general comment relative to the public noticing requirement of a 300-foot radius and the trigger for a use permit for eating and drinking establishments of 500 feet. He expressed concern that this may be a discrepancy within the Zoning Code and hoped that it may be corrected.

There were no other public comments.

Zoning Administrator Wisneski expressed agreement with staff that this use would be a compatible use for the shopping center. She further added that the parking requirement would be satisfied and noted that staff placed a condition of approval on the project limiting the number of employees.

The Zoning Administrator approved Minor Use Permit No. UP2014-003.

Action: Approved

ITEM NO. 3

**Viewpoint Church Temporary Office Trailer Limited Term Permit No.
XP2014-001 (PA2014-024)
3300 Newport Boulevard**

CD 1

The Zoning Administrator stated that the item had been removed from the calendar and that the application had likely been withdrawn. She further clarified that no action would be required related to the item.

The Zoning Administrator recognized two members of the public who were interested in commenting on the item. Jim Mosher, resident, indicated his concern with religious institutions renting city facilities. Specifically he voiced concern with a church renting the old City Council Chambers and the presence of the City logo. Cindy Voorhees, Reverend for St. James Episcopal Church, expressed concern related to parking impacts if the use were to be considered. Their facility is located adjacent to the old City Hall, and with the reuse of the City's property, the parking they had leased from the City was no longer going to be available.

Action: Removed from calendar

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

E. ADJOURNMENT

The hearing was adjourned at 3:54 p.m.

The agenda for the Zoning Administrator Hearing was posted on March 21, 2014, at 12:45p.m. in the Chambers binder and on the digital display board located inside the vestibule of the Council Chambers at 100 Civic Center Drive and on the City's website on March 21, 2014, at 12:55p.m.

Brenda Wisneski, AICP, Zoning Administrator